

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 14-CR-10168-EFM

ADAN ZAZUETA-ZAMBADA,

Defendant.

MEMORANDUM AND ORDER

In June 2015, Defendant pleaded guilty to conspiracy to distribute and possession with the intent to distribute methamphetamine, in violation of 21 U.S.C. § 846. Later that year, the Court sentenced Defendant to 120 months in prison and five years of supervised release. Defendant is now before the Court requesting a reduction of sentence pursuant to the First Step Act of 2018 and 18 U.S.C. § 3582(c)(1)(B).

Section 404(b) of the First Step Act of 2018 authorizes the Court to “impose a reduced sentence as if sections 2 and 3 of the Fair Sentencing Act of 2010 (Public Law 111-220; 124 Stat. 2372) were in effect at the time the covered offense was committed.”¹ Sections 2 and 3 of the Fair

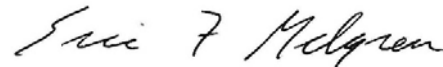
¹ First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194 (Dec. 21, 2018); *see also* 18 U.S.C. § 3582(c)(1)(B).

Sentencing Act changed the sentencing guidelines for crack cocaine offenses.² In this case, Defendant was convicted and sentenced to an offense involving methamphetamine, and not crack cocaine. “The statutory penalties for drug conspiracies involving methamphetamine were not modified by § 2 of the 2010 Act.”³ Thus, Defendant is not eligible for a reduction of his sentence pursuant to the First Step Act.

IT IS THEREFORE ORDERED that Petitioner’s Motion for Reduction of Sentence pursuant to 18 U.S.C. § 3582(c)(2) and First Step Act of 2018 is (Doc. 162) is hereby **DENIED**.

IT IS SO ORDERED.

Dated this 18th day of September, 2019.


ERIC F. MELGREN
UNITED STATES DISTRICT JUDGE

² See *United States v. McKinney*, 382 F. Supp. 3d 1163, 1165 (D. Kan. 2019); *United States v. Tovar-Zamorano*, 2019 WL 2005918, at *2 (D. Kan. 2019).

³ *Tovar-Zamorano*, 2019 WL 2005918, at *2.